IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 25TH SEPTEMBER 2007 / 3RD ASWINA 1929

WP(C).No. 28085 of 2007(R)

PETITIONER:

THE BOARD OF MANAGEMENT OF THE
MEENACHIL TALUK CO-OPERATIVE EMPLOYEES
CO-OPERATIVE SOCIETY LTD.NO.K 665, PALA,
REPRESENTED BY ITS PRESIDENT K.M.THOMAS.

BY ADV. SRI.P.V.BABY
SRI.R.KIRAN

RESPONDENTS:

---

1. THE UNIT INSPECTOR, PALA UNIT,
OFFICE OF THE ASSISTANT REGISTRAR OF
CO-OPERATIVE SOCIETIES (GENERAL),
MEENACHIL, PALA.

2. THE ASSISTANT REGISTRAR OF
CO-OPERATIVE SOCIETIES (GENERAL),
MEENACHIL, PALA.

3. THE JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL), KOTTAYAM.

BY GOVT. PLEADER SMT. ANU SIVARAMAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

- -

WP.(C) No.28085 of 2007

- -

Dated this the 25th day of September, 2007

JUDGMENT

The case of the petitioner in brief is as follows:

The present Managing Committee of the petitioner Society belongs to UDF fraction. It is a leading Co-operative Employees Society in the State and it is working in special grade A. Petitioner has approached this court with the following prayers:

> i) Declare that the defects noted on 23.4.2007 by the 1st respondent will not enable the 2nd and 3rd respondent to initiate proceedings under Section 32 of the Kerala Co-operative Societies Act against the present Board of Management of the petitioner society since the defects noted are actually not defects at all.
>
> ii) declare that the present managing committee of the petitioner society is entitled to continue till their full term for which they were elected.
>
> iii) restrain the respondents from proceeding against the society in any manner as provided under Section 32 of the Kerala Co-operative Societies Act.

2. Heard Government Pleader also.

3. Essentially the contention of the petitioner is that the defects noted on 23.4.2007 may not lead to action under Section 32.

4. Learned Government Pleader on instructions submits that as of now there is no move to take any action under Section 32. This is recorded. It is also further directed that in case there is any move to take action under Section 32, it should be preceded by issuance of notice and opportunity of being heard as contemplated under Section 32, unless there exists the circumstance in which they can be dispensed with.

The writ petition is disposed of as above.

(K.M. JOSEPH, JUDGE)

sb